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AMENDMENTS TO THE CLAIMS

This listing of the claims replaces all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS

1. (Cancelled)

2. (Cancelled)

3. (Cancelled)

4. (Currently Amended) A method of regulating data channel transmission power of a data communications device connected to a digital subscriber line by customer premises equipment (CPE) during "off-hook" events of a plain old telephone service (POTs) channel handset co-connected with the data communications device to the digital subscriber line, the method comprising steps of:

- a) determining at the CPE a value of one or more user control indicators indicative of user-discernible performance qualities associated with the digital subscriber line;
- b) calculating at the CPE a data channel transmission power level using the value of the one or more user control indicators, and an apportionment of the power level between the CPE and a central office (CO) serving the digital subscriber line;
- c) saving the calculated power level apportioned to the CPE and the central office in a memory of the communication device; and
- d) on detecting the off-hook event at the CPE, setting the data channel transmission power at the CPE in accordance with the power level apportioned to the CPE. The method as claimed in claim 1 wherein a step of setting includes a step of and signaling the downstream central office power value level apportioned to a the central office with which the data communications device is in communication.

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5. **(Currently Amended)** The method as claimed in claim ~~1-4~~ further ~~including~~ comprising a step of determining at the CPE a default off-hook power level and wherein the step of calculating is responsive to the default off-hook power level.
6. **(Currently Amended)** The method as claimed in claim ~~14~~, wherein the user-discernible performance qualities ~~include~~ comprise at least one of: data transmission speed of the communication device; audible interference in the POTs channel handset; and a user prioritization between data channel and POTs channel performance.
7. **(Currently Amended)** The method as claimed in claim ~~14~~, wherein the step of determining a value of one or more user control indicators ~~includes~~ comprises steps of:
 - a) providing to a user a means for inputting a selected value of the user control indicators; and
 - b) receiving the user's selected value.
8. **(Currently Amended)** The method as claimed in claim 4, wherein the step of ~~receiving~~ determining at the CPE a value of one or more user control indicators is performed during the off-hook event of the POTs channel handset.
9. **(Cancelled)**
10. **(Cancelled)**
11. **(Cancelled)**
12. **(Currently Amended)** A method of controlling audible interference in a POTs channel handset induced by data channel transmission power of a co-connected xDSL communications device co-connected to a digital subscriber line by customer premises equipment (CPE), the method comprising the steps of:

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- a) determining at least one user-selectable attribute indicative of at least one user-discernible performance quality;
 - b) monitoring the at least one attribute for a change in state;
 - c) calculating at the CPE a level of data transmission power on the basis of the at least one attribute, and calculating at the CPE an apportionment of the data transmission power between the CPE and a central office that serves the digital subscriber line;
 - d) storing the calculated power level apportioned to the CPE and the central office in a memory of the communications device; and
 - e) on detecting an off-hook event of the POTs handset, controlling the data channel transmission power of the CPE in accordance with the saved power level. ~~The method as claimed in claim 9 wherein the step of controlling further includes a step of and signaling the downstream power value level apportioned to the central office with which the data communications device is in communication.~~
13. (Currently Amended) The method as claimed in claim 912, wherein the user-discernible performance quality includes at least one of: data transmission speed of the communication device; audible interference in the POTs channel handset; and a user prioritization between data channel and POTs channel performance.
14. (Currently Amended) The method as claimed in claim 912, wherein the step of monitoring includes steps of:
- a) providing an interface to permit a user to input a selected value for the at least one user-selected attribute; and
 - b) receiving the user's selected value.
15. (Original) The method as claimed in claim 14, wherein the step of receiving is performed during an off-hook event of the POTs handset.
16. (Original) The method as claimed in claim 14, wherein the step of providing an interface includes a step of presenting to the user a default value for the

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user-selected attribute and the step of calculating is responsive to the default value.

17. (Cancelled)

18. (Cancelled)

19. (Cancelled)

20. (Currently Amended) A computer program for controlling audible interference in a co-connected POTs channel handset induced by data channel transmission power utilized by customer premises equipment (CPE) for digital subscriber line (DSL), comprising:

- a) instructions for generating and displaying an interface for receiving at least one user-selectable attribute indicative of at least one user-discernible performance quality;
- b) instructions for calculating a data transmission power level on the basis of the at least one attribute and for calculating an apportionment of the transmission power level between the CPE and a central office that serves the digital subscriber line;
- c) instructions for storing the power levels apportioned to the CPE and the central office in a memory; and
- d) instructions for detecting an off-hook event of the POTs handset and, in response to detecting the off-hook event, for controlling the data channel transmission power of the CPE in accordance with the saved power level apportioned to the CPE. The computer program as claimed in claim 18 further including; and
- e) instructions to operate the CPE to signal to the central office the downstream power value level apportioned to a the central office with which the data communications device is in communication.

21. (Currently Amended) The program as claimed in claim 17, wherein the user-discernible performance quality includes at least one of: data

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transmission speed of the communication device; audible interference in the POTs channel handset; and a user prioritization between data channel and POTs channel performance.

22. (Currently Amended) The program as claimed in claim 1720, wherein the program receives the user-selected attribute in response to a user input.
23. (Original) The program as claimed in claim 22, wherein the program retrieves the attribute from storage during each off-hook event of the POTs handset.
24. (Currently Amended) The program as claimed in claim 1720, further comprising:
 - a) instructions for calculating a default power level for controlling audible interference in the POTs channel;
 - b) instructions for storing the default power level in a memory;
 - c) instructions for communicating the default power level to the CPE; and
 - d) during an off-hook event and in the absence of a user selected attribute, instructions for controlling the data channel transmission power level apportionment to the CPE and the central office in accordance with the default power level.
25. (Currently Amended) A method of regulating data channel transmission power of a data communications device during "off-hook" events of a POTs channel handset co-connected with the data communications device to a digital subscriber line, the method comprising a steps of:
 - a) calculating default data channel transmission power levelslevel using parameters based on a target minimum data rate, a default audible noise protection level, and linearity measures obtained using a line probe and calculating an apportionment of the transmission power level between the CPE and a central office that serves the digital subscriber line;
 - b) saving the calculated data default data channelapportionment of the transmission power levelslevel in a memory; and

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- c) applying the default data channel transmission power levels the saved power level apportioned to the CPE and signaling the saved downstream power level apportioned to the central office, -in the absence of a user preference indication that overrides the default.